

Official

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Tsuyoshi KURIBAYASHI

Confirmation No.: 9862

Serial Number: 09/290,419

Group Art Unit: 2675

Filed: April 13, 1999

Examiner: ALPHONSE, Fritz

For: INPUT PROCESSING METHOD AND INPUT CONTROL APPARATUS

REPLY UNDER 37 C.F.R. § 1.111

AND

REQUEST FOR INTERVIEW

Commissioner for Patents
Washington, D.C. 20231

December 23, 2002

Sir:

In response to the Office Action dated July 22, 2002, the period for response therefor extended by petitioning for a two-month extension of time (see below), applicant hereby requests reconsideration.

Applicant also requests an interview to discuss the issues relevant to the prosecution of the present application in order to benefit from the Examiner's elaboration in appropriate areas (see below). As discussed via telephone between the Examiner of record and the undersigned on December 18, 2002, the undersigned will contact the Examiner after this paper is made of record and

forwarded to the Examiner for disposition.

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Claims 1-3, 10, 12, 13, 17-21, 28, 30, 31, 35-40, 47, 49, 50, and 54 stand rejected under 35 U.S.C. § 103(a) as obvious over **Tanaka** (U.S. Patent No. 6,100,876) in view of **Fukuda et al.** (U.S. Pat. No. 5,748,926). Applicant respectfully traverses this rejection.

Regarding independent claim 1, the claim specifically recites as the second step:

... determining information indicating a touch state in accordance with *said detected length of time* ... (emphasis added).

The claimed "detected length of time" is previously defined in lines 4-6 (describing the first step) as the length of time in which *no touch motion* is performed on an operating surface. Claim 1 describes its second step in line 9 as performed "when a touch motion has occurred." Therefore, the second step does not occur until *after* the touch motion has begun, and the claimed determination is based on the "detected length of time" which had *already elapsed* in which no touch motion is performed.

As a teaching of the second step of claim 1, the rejection relies on the **Tanaka** disclosure of value Δt_{DOWN} to anticipate the claimed "length of time."¹ (See the Office Action, page 2.) However, the value Δt_{DOWN} represents instead the time interval from pen-down to pen-up. (Column 9, lines 18-22.) In other words, the value Δt_{DOWN} represents the time interval that the pen is in contact with the operating surface, so Δt_{DOWN} *cannot* anticipate the claimed "length of time" in which no touch motion is performed. Therefore, the rejection cannot properly rely on the

¹It is not clear why the Office Action cites column 8, lines 55-67, because this text does not recite " Δt_{DOWN} ."

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Tanaka disclosure of value Δt_{DOWN} to teach the claimed "length of time." For at least this reason, the rejection cannot be proper. Withdrawal of the rejection is therefore respectfully solicited.

If however the Examiner ultimately decides to maintain the rejection, applicant respectfully requests that he explain why it would be proper to rely on Δt_{DOWN} to teach the claimed "length of time" in view of the explanation above why such reliance is improper. (Applicant submitted this argument in the April 29, 2002 communication, but the Examiner did not indicate any fallacies therein in the July 22, 2002 Office Action.)

Applicant notes the discussion of the claim 1 second step on page 2 of the Office Action. This step of claim 1 is referenced as "determining information indicating a touch state (...) when a touch motion has occurred." As discussed above, the recitation in the claim of "when a touch motion has occurred" requires that the second step does not occur until *after* the touch motion has begun, and the determination is based on the "detected length of time" which had *already elapsed* in which no touch motion is performed. However, the **Tanaka** text cited in the Office Action (column 8, lines 55-67) refers to determinations (see equations (10) and (11)) performed after the touch motion has *ended* instead of "*when* a touch motion has occurred" (emphasis added) as claimed. Therefore, applicant asserts that the rejection of claim 1 cannot be proper for at least the reason that **Tanaka** does not disclose the second claimed step.

Additionally, the Office Action states that **Tanaka** does not "explicitly" teach a step of

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detecting the length of time of a non-touch state in which no touch motion is performed on an operating surface. That is, the rejection does not rely on **Tanaka** to teach the first step of claim 1. To justify the rejection, the Office Action relies on **Fukuda et al.**, column 3, lines 8-17.

The cited **Fukuda et al.** text includes "When the stylus 27 does not touch the digitizer 25, no signal is sent from the I/O controller 24 to the CPU 21, thus *the CPU 21 measures time until any signal is sent*, and determines such condition as a halt of the stylus" (emphasis added). Apparently, this is the teaching relied upon for detecting the length of time of a non-touch state.

However, to support the obviousness rejection, it is necessary to show some motivation to modify the method disclosed in the cited portion of **Tanaka** by performing the **Fukuda et al.** step of detecting the length of time of a non-touch state. Applicant respectfully submits that the Office Action does not provide a suitable motivation.

The method disclosed in the cited portion of **Tanaka** is perhaps a method of switching processing modes.² The processing mode is switched based in part on a post-pen-up travel speed (column 7, lines 51-54), which is based in part on post-pen-up time ΔtUP , the difference between the present time and time pen-up began (column 11, lines 1-2). As applicant noted above, the rejection does not rely on the **Tanaka** disclosure of detecting post-pen-up time ΔtUP as relevant to the claimed step of detecting the length of time of a non-touch state.

²Applicant finds no clear definition in **Tanaka** of its term "processing mode."

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The Office Action does not explain if, in the modified method, the measured time disclosed by **Fukuda et al.** is to replace the **Tanaka** time Δt_{UP} or if the **Fukuda et al.** measured time is to be an additional step. Without such an explanation of the modification, the obviousness of the modification has not been adequately explained.

If the Examiner ultimately decides to maintain the present rejection, applicant respectfully request that he indicate if: (1) the measured time disclosed by **Fukuda et al.** is to replace the **Tanaka** time Δt_{UP} ; or (2) if the **Fukuda et al.** measured time is to be an additional step.

As applicant stated above, the Office Action does not provide a suitable motivation to modify the **Tanaka** method as described. Applicant acknowledges that the Office Action states (page 3, top) that a modification to detect the length of time of a non-touch state would be to provide the capability of discriminatively recognizing patterns of gestures and other characters or figures, and defining gestures effective in any areas. However, the **Tanaka** method is for switching processing modes, and the Office Action does not explain why there would be any need to recognize patterns or define gestures as described just to switch processing modes. Therefore, applicant submits that the top paragraph on page 3 of the Office Action does not support the position that the modification would have been obvious.

Even if it were somehow desirable to recognize patterns or define gestures while performing the **Tanaka** method as described, the Office Action does not explain why one would not use the

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Tanaka post-pen-up time Δt_{UP} instead of implementing a time-measuring step disclosed elsewhere. For this additional reason, applicant submits that the modification described in the Office Action would not have been obvious.

Therefore, the rejection of claim 1 cannot be proper for at least the additional reason that the Office Action does not adequately explain how **Fukuda et al.** suggests in column 3, lines 8-17, the modification of the **Tanaka** method to include the **Fukuda et al.** step of detecting the length of time of a non-touch state.

In view of all the reasons provided above, applicant now solicits the withdrawal of the obviousness rejection of claim 1. Because claims 2, 3, 10, 12, 13/1, 13/2, 13/3, 17, and 18 depend from claim 1, applicant also solicits the withdrawal of the obviousness rejection of those claims for at least the reason of their dependencies.

Regarding claim 19, and the rejected claims which depend therefrom (that is, claims 20, 21, 28, 30, 31/19, 31/20, 31/21, and 35-37), the Office Action describes claim 19 as an apparatus claim counterpart of method claim 1. **Tanaka** and **Fukuda et al.** are applied to reject those claims in an analogous manner. Accordingly, applicant submits that this rejection is improper for the reasons discussed above in reference to claim 1. Applicant therefore solicits the withdrawal of the obviousness rejection over **Tanaka** and **Fukuda et al.** of claim 19 and the rejected claims depending therefrom.

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Regarding claim 38, and the rejected claims which depend from claim 38 (that is, claims 39, 40, 47, 49, 50/38, 50/39, 50/40 and 54), the rejection relies on the teachings applied against claim 1 and an additional reference to the **Tanaka V-RAM** mentioned in column 4, lines 7-11. Accordingly, applicant submits that this rejection is improper for the reasons discussed above in reference to claim 1. Therefore, applicant solicits the withdrawal of the obviousness rejection of claim 38 and the above-mentioned claims depending therefrom.

Claims 4-8, 22-26, and 41-45 are rejected under 35 U.S.C. § 103(a) as obvious over **Hanamaki** (JP 8-314606) in view of **Fukuda et al.** (U.S. Pat. No. 5,748,926). Applicant respectfully traverses this rejection.

The first step of claim 4 is “detecting the number of successive occurrences of [a] touch motion [on an operating surface].” To teach this step, the rejection relies on **Hanamaki**. Regarding the second step, the Office Action acknowledges that **Hanamaki** does not “explicitly” teach a step of determining information indicating a touch state in accordance with the detected number of occurrences. To suggest the second step, the rejection relies on **Fukuda et al.**, column 3, lines 8-17.

However, column 3, lines 8-17, of **Fukuda et al.** does not teach the step of determining information indicating a touch state in accordance with the detected number of occurrences. The citation does not even refer to a “detected number of occurrences.” Therefore, **Fukuda et al.** cannot provide the necessary suggestion to modify the method disclosed by **Hanamaki** to render claim 4

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obvious.

Thus, the obviousness rejection of claim 4 cannot be proper. Because claims 5, 7/4, 7/5, 8/4 and 8/5 depend from claim 4, the obviousness rejection of those claims also cannot be proper for at least the reason of their dependencies. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103(a) is hereby solicited.

If for some reason the Examiner decides to maintain the rejection, applicant respectfully request that he indicate how the text in column 3, lines 8-17, of **Fukuda et al.** teaches the step of determining information indicating a touch state in accordance with the detected number of occurrences. Applicant especially questions how the cited text discusses a "detected number of occurrences" as claimed.

Claim 6, like claim 4, also recites "determining information indicating a touch state in accordance with said detected number of occurrences." The rejection relies on **Hanamaki** and **Fukuda et al.** to reject claim 6 in an analogous manner. Accordingly, applicant respectfully submits that the rejection is improper for the reasons discussed above with regard to claim 4. Therefore, claim 6, and claims 7/6 and 8/6 depending therefrom, should be found allowable over **Hanamaki** and **Fukuda et al.**

Claims 22 and 24 describe an apparatus including a second unit "determining information

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indicating a touch state in accordance with said detected number of occurrences.” Claim 41 describes a recording medium having a program for causing a computer to implement a second function for “determining information indicating a touch state in accordance with said detected number of occurrences.” Claim 43 describes a recording medium having a program for causing a computer to implement a second function “determining information indicating a touch state in accordance with said detected number of occurrences.” These claims stand rejected as follows:

The rejections of claims 22, 24, 41, and 43 rely on **Hanamaki** and **Fukuda et al.** in manner analogous to the manner this prior art is relied upon to reject claim 4. Accordingly, these rejections are improper for the reasons discussed above in reference to claim 4. Accordingly, withdrawal of the obviousness rejection of claims 22, 24, 41, and 43, and claims 23, 25/22, 25/23, 25/24, 26, 42, 44/41, 44/42, 44/43, and 45 depending therefrom, is hereby requested.

Claims 15, 33, and 52 stand rejected under 35 U.S.C. § 103(a) as obvious over **Hanamaki** (JP 8-314606) in view of **Weber et al.** (U.S. Patent No. 5,572,651). Applicant respectfully traverses this rejection.

Claims 15, 33, and 52 each recite “detecting the number of successive occurrences” of a touch motion on an operating surface. To teach this step, the rejection relies on **Hanamaki**. The claims also recite “determining a corresponding mouse operation in accordance with said detected number of occurrences.” The Office Action acknowledges that **Hanamaki** does not teach this step.

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To justify the rejection, the Office Action refers to **Weber et al.**, column 19, line 9-22.

Applicant acknowledges that the cited portion of **Weber et al.** discusses how input corresponding to a single letter or single word “may be made up of a number of strokes” (lines 16-18). However, the cited text does not teach *counting* the number of strokes and using that number to determine a mouse operation. Therefore, **Weber et al.** cannot support the obviousness rejection, because it does not disclose “determining a corresponding mouse operation in accordance with said detected number of occurrences” as recited in claims 15, 33, and 52.

Accordingly, applicant now solicits the withdrawal of the obviousness rejection under 35 U.S.C. § 103(a) of claims 15, 33, and 52.

Applicant appreciates the indication in the Office Action that claims 9, 11, 14, 16, 27, 29, 32, 34, 46, 48, 51, and 53 would be allowable if claims 9, 11, 16, 27, 29, 34, 46, 48, and 53 are rewritten in independent form. However, as discussed above, these claims depend from claims which should already be found allowable. Therefore, it is not necessary to rewrite claims 9, 11, 16, 27, 29, 34, 46, 48, and 53 in independent form to obtain allowance of claims 9, 11, 14, 16, 27, 29, 32, 34, 46, 48, 51, and 53.

As a final matter, the Office Action does not indicate if applicant's April 29, 2002 Request for Approval of Drawing Changes was approved. Applicant requests that the Examiner indicate in

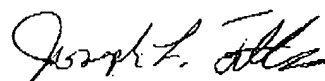
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the next Office Action his review and approval of the proposed drawing changes.

In view of the remarks above, applicant now submits that the present application is in condition for allowance. Accordingly, a Notice of Allowability is hereby requested. If for any reason it is felt that this application is not now in condition for allowance, the Examiner is invited to contact applicant's undersigned attorney at the telephone number indicated below to arrange for disposition of this case.

Applicant petitions for a Two-Month Extension Time. The fees for such this extension, and any other fees which may be due with respect to this communication, may be charged to Deposit Account No. 01-2340.

Respectfully submitted,
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